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10/706,989

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EXAMINER

SCHNURR, JOHN R

ART UNIT

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2421

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/706,989	Applicant(s) MASUNO, HIROSHI	
	Examiner JOHN R. SCHNURR	Art Unit 2421	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 December 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-7 and 9-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3-7 and 9-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is in response to the Amendment After Non-Final Rejection filed 12/15/2008. Claims 1, 3-7 and 9-25 are pending and have been examined.

Response to Arguments

2. Applicant's arguments filed 12/15/2008 have been fully considered but they are not persuasive.

In response to applicant's argument (Remarks pg. 13 line 1 to pg. 15 line 13) that the combination of Imaeda (US 5,969,749) and Sawachi (US 2003/0011704) does not disclose a switch to connect the TV telephone processing section to a power source in TV telephone use mode and disconnect the TV telephone processing section from a power source in general use mode, the examiner respectfully disagrees. Imaeda discloses a multifunction telephone system, specifically a telephone system with a first mode for displaying television data and a second communication mode. Sawachi likewise discloses a multifunction telephone system, in which a switch connects a power supply and a first function circuitry when the system is in the first mode and disconnects the power supply from the first function circuitry in a second mode. One of ordinary skill in the art would be motivated by the teachings of Sawachi to provide power to only those functions currently in operation - i.e., powering the TV telephone processing section of Imaeda when in TV telephone mode and not powering the TV telephone processing section when not in TV telephone mode.

In response to applicant's argument (Remarks pg. 15 line 4 to pg. 17 line 21) that Sawachi does not teach "the control section controls said second switch," the examiner

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respectfully disagrees. Sawachi clearly teaches the power supply selection switches may be "automatic" ([0074]).

In response to applicant's argument (Remarks pg. 19 line 10 to pg. 20 line 2) that "a first input circuit connected to said display data generating section, wherein said first input circuit receives said first display data from said display data generating section, carries out a first converting process to said first display data to generate converted display data, and to store in said first memory" relates to the TV telephone processing section, the examiner respectfully disagrees. Claim 1 of the instant application clearly states that the first display data is displayed in "general use mode" and the TV telephone function is not used. Therefore, the assertion that the TV reception circuit 60 teaches the above limitation is correct and in agreement with the terminology established in claim 1.

In response to applicant's argument (Remarks pg. 20 lines 3-14) against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

In response to applicant's argument (Remarks pg. 21 lines 4-7 and lines 17-21) that the rejections of claims 8 and 17 are deficient because Sawachi was not cited as a basis for the rejection, the examiner notes that this was a simple typographical error and has been corrected in this office action.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims **1, 14 and 18-24** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Imaeda (US Patent 5,969,749)** in view of **Sawachi (US Patent Application Publication 2003/0011704)**.

Consider **claim 1**, Imaeda clearly teaches an information communication terminal with a TV telephone function, **(Fig. 7)** comprising:

a display data generating section which generates first display data in a general use mode in which a TV telephone function is not used; **(TV reception 60 provides video data when there is no telephone communication, col. 6 lines 54-66.)**

a TV telephone processing section which generates second display data in a TV telephone use mode in which the TV telephone function is used; **(Video decoding circuit 36 decodes video received from the communication partner, col. 3 lines 20-21.)**

a display unit which displays inputted display data; **(Monitor 20)**

a first switch provided among said display data generating section, said TV telephone processing section and said display unit; **(Switch 64)**

a control section which controls said first switch to connect said display data generating section and said display unit in said general use mode such that said first display data is supplied to said display unit and to connect said TV telephone processing section and said display unit in said TV telephone use mode such that said second display data is supplied to said display unit, **(Switch 64 is controlled by communication control circuit 72 to select either TV reception circuit 60 in a first mode or video decoding circuit 36 in a communication mode, col. 3 lines 24-48 and col. 6 lines 35-66.)**

wherein the TV telephone use mode is enabled when image data is transmitted and received together with a communication sound, **(Fig. 2: The communication mode is enabled when a call is received, col. 4 lines 24-45.)** and the second display data includes a motion image which is always displayed when the TV telephone mode is enabled. **(Switch 64 supplies the communication signal to the monitor 20 until the communication ends, col. 6 lines 59-66.)**

However, Imaeda does not explicitly teach a power source; and a second switch provided between said TV telephone processing section and said power source, wherein said control section controls said second switch to disconnect said power source from said TV telephone processing section in said general use mode and to connect said power source from said TV telephone processing section in said TV telephone use mode.

In an analogous art, Sawachi, which discloses a system for interfacing a digital camera and a mobile phone, clearly teaches a switch placed between a power supply and digital signal processing circuitry to interrupt power when the circuitry is not being used. **(Fig. 4: SW17 prevents power consumption by DSP unit 102, [0059], [0071] and [0074].)**

Therefore, at the time the invention was made, it would have been obvious to one with ordinary skill in the art to modify the system of Imaeda by disconnecting power from the video processing section when it is not in use, as taught by Sawachi, for the benefit of reducing the power consumed by the device (see [0006]-[0022] Sawachi).

Consider **claim 14**, Imaeda combined with Sawachi, as in claim 1, clearly teaches said second switch is automatically switched in conjunction with said first switch in response to a selected mode, wherein said selected mode is said general use mode or said TV telephone use mode. **([0059], [0071] and [0074] Sawachi)**

Consider **claim 18**, Imaeda combined with Sawachi, as in claim 1, clearly teaches the first switch is a cross-over switch connecting said display data generating section and said display unit in said general use mode and connecting said TV telephone processing section and said display unit in said TV telephone use mode. **(Fig. 7 Switch 64 connects either TV reception circuit 60 or video decoding circuit 36 to monitor 20, col. 6 lines 38-42 Imaeda.)**

Consider **claim 19**, Imaeda combined with Sawachi, as in claim 1, clearly teaches the first switch provides a direct path from said display data generating section to said display unit in said general use mode and the first switch provides

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a direct path from said TV telephone processing section to said display unit in said TV telephone use mode. **(col. 6 lines 38-42 Imaeda)**

Consider **claim 20**, Imaeda combined with Sawachi, as in claim 1, clearly teaches the general use mode is enabled when image data is not transmitted and received together with the communication sound. **(When not in communication mode the system displays TV data, col. 6 lines 59-66 Imaeda.)**

Consider **claim 21**, see claim 18.

Consider **claim 22**, see claim 19.

Consider **claim 23**, see claim 14.

Consider **claim 24**, Imaeda combined with Sawachi, as in claim 1, clearly teaches said second switch is simultaneously switched automatically in conjunction with a switching of said first switch in response to a selected mode. **([0059], [0071] and [0074] Sawachi)**

5. Claims **3-5, 7, 9, 10, 13, 16 and 17** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Imaeda (US Patent 5,969,749)** in view of **Sawachi (US Patent Application Publication 2003/0011704)**, as applied to claim 1, further in view of **Fernandez et al. (US Patent 6,339,842)**, herein Fernandez.

Consider **claim 3**, Imaeda combined with Sawachi clearly teaches said TV telephone processing section comprises:

a first input circuit connected to said display data generating section, wherein said first input circuit receives said first display data from said display data generating section, carries out a first converting process to said first display data to generate converted display data; **(TV reception circuit 60 receives and converts the TV data to displayable form, col. 6 lines 36-42 Imaeda.)**

a motion picture CODEC circuit which receives compressed motion picture data from a counter end, expands said received compressed motion picture data into expanded motion picture display data; **(Video decoding circuit 36 decodes video received from the communication partner, col. 3 lines 20-21 Imaeda.)**

a camera; **(Fig. 7 Camera 12 Imaeda)**

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a second input circuit connected to said camera, wherein said second input circuit receives motion picture display data from said camera, carries out a second converting process to said motion picture display data to generate converted motion picture display data, and to store in said first memory; **(The video data from camera 12 is encoded in video encoding circuit 32, col. 3 lines 15-18 Imaeda.)**

a combining circuit which reads out said converted display data and said expanded motion picture display data to combine into said second display data, and outputs said second display data to said first switch. **(Fig. 8: Image synthesis circuit 50 receives TV reception data and the video image of the communication partner and combines the images, col. 6 lines 20-33 and col. 7 lines 41-50 Imaeda.)**

However, Imaeda combined with Sawachi does not explicitly teach a first memory storing said converted display data, said expanded motion picture display data and said converted motion picture display data, and synthesizing all three inputs onto the same display screen.

In an analogous art, Fernandez, which discloses a TV telephone system, clearly teaches a first memory storing said converted display data, said expanded motion picture display data and said converted motion picture display data, and synthesizing all three inputs onto the same display screen. **(Fig. 4: Images from a program 52 and participants 56, including the local participant are buffered and displayed on display 50, col. 3 lines 36-49.)**

Therefore, at the time the invention was made, it would have been obvious to one with ordinary skill in the art to modify the system of Imaeda combined with Sawachi by buffering and displaying images of the received TV data, the communication partner and the local user, as taught by Fernandez, for the benefit of providing subscriber conferencing during program delivery (col. 1 lines 24-30 Fernandez).

Consider **claim 4**, Imaeda combined with Sawachi and Fernandez, as in claim 3, clearly teaches said motion picture CODEC circuit reads out said converted motion picture display data from said first memory, and compresses said converted motion picture display data into transmission motion picture data, and said information communication terminal further comprises: a communication circuit which transmits said transmission motion picture data to said counter end. **(col. 3 lines 15-23 Imaeda)**

Consider **claim 5**, Imaeda combined with Sawachi and Fernandez, as in claim 3, clearly teaches said display unit has a third input circuit which receives said first

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display data as said inputted display data, said first input circuit achieves a same function as that of said third input circuit. **(Fig. 8: The selecting switch 80 includes input b, which is the output of TV reception circuit, col. 8 lines 2-4 Imaeda.)**

Consider **claim 7**, Imaeda combined with Sawachi clearly teaches the system of claim 1.

However, Imaeda combined with Sawachi does not explicitly teach the device is a mobile phone.

In an analogous art, Fernandez, which discloses a TV telephone system, clearly teaches the subscriber unit is a mobile phone. **(Fig. 1: col. 1 lines 48-50)**

Therefore, at the time the invention was made, it would have been obvious to one with ordinary skill in the art to modify the system of Imaeda combined with Sawachi by using a mobile phone, as taught by Fernandez, for the benefit of enabling mobile communication.

Consider **claim 9**, see claim 3.

Consider **claim 10**, see claim 4.

Consider **claim 13**, Imaeda combined with Sawachi clearly teaches generating said second display data.

However, Imaeda combined with Sawachi does not explicitly teach said control section controls said first switch to connect said TV telephone processing section and said display unit in said imaging use mode such that said second display data is supplied to said display unit.

In an analogous art, Fernandez, which discloses a TV telephone system, clearly teaches said control section controls said first switch to connect said TV telephone processing section and said display unit in said imaging use mode such that said second display data is supplied to said display unit.

(Fig. 4: Images from a program 52 and participants 56, including the local participant are buffered and displayed on display 50, col. 3 lines 36-49.)

Therefore, at the time the invention was made, it would have been obvious to one with ordinary skill in the art to modify the system of Imaeda combined with Sawachi by using a mobile phone, as taught by Fernandez, for the benefit of providing subscriber conferencing during program delivery (col. 1 lines 24-30 Fernandez).

Consider **claim 16**, see claim 13.

Consider **claim 17**, see claim 14.

6. Claims **6 and 11** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Imaeda (US Patent 5,969,749)** in view of **Sawachi (US Patent Application Publication 2003/0011704)** in view of **Fernandez et al. (US Patent 6,339,842)** further in view of **Allen et al. (US Patent Application Publication 2003/0041333)**, herein Allen.

Consider **claim 6**, Imaeda combined with Sawachi and Fernandez, as in claim 3, clearly teaches the processing and storage of received motion picture data and locally recorded data.

However, Imaeda combined with Sawachi and Fernandez does not explicitly teach a second memory for storage of the processed received motion picture data and locally recorded data.

In an analogous art, Allen, which discloses a TV telephone system, clearly teaches a memory for storage of the processed received motion picture data and locally recorded data. **[[0082]]**

Therefore, at the time the invention was made, it would have been obvious to one with ordinary skill in the art to modify the system of Imaeda combined with Sawachi and Fernandez by recording the processed received motion picture data and locally recorded data in a second memory, as taught by Allen, for the benefit of keeping a record of video communications.

Consider **claim 11**, see claim 6.

7. Claims **12 and 25** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Imaeda (US Patent 5,969,749)** in view of **Sawachi (US Patent Application Publication 2003/0011704)** further in view of **Yap et al. (US Patent Application Publication 2003/0043260)**, herein Yap.

Consider **claim 12**, Imaeda combined with Sawachi clearly teaches a TV telephone system with user interaction.

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However, Imaeda combined with Sawachi does not explicitly teach said first display data is a user interface display data which comprises at least one of operation menus, telephone numbers, e-mail data, browser display data, battery level, and radio wave strength data.

In an analogous art, Yap, which discloses a videophone system, clearly teaches a user interface display data which comprises at least one of operation menus, telephone numbers, e-mail data, browser display data, battery level, and radio wave strength data. **(Fig. 11 [0134])**

Therefore, at the time the invention was made, it would have been obvious to one with ordinary skill in the art to modify the system of Imaeda combined with Sawachi by displaying user interface display data which comprises at least one of operation menus, telephone numbers, e-mail data, browser display data, battery level, and radio wave strength data, as taught by Yap, for the benefit of enabling user interaction with the device.

Consider **claim 25**, see claim 12.

8. Claim **15** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Imaeda (US Patent 5,969,749) Sawachi (US Patent Application Publication 2003/0011704)** in view of **Fernandez et al. (US Patent 6,339,842)** further in view of **Yap et al. (US Patent Application Publication 2003/0043260)**.

Consider **claim 15**, see claim 12.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOHN R. SCHNURR whose telephone number is (571)270-1458. The examiner can normally be reached on Monday - Friday, 8:00am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/John W. Miller/

Supervisory Patent Examiner, Art Unit 2421

JRS